

REMARKS

This responds to the Office Action dated February 10, 2006.

No claims are amended, no claims are canceled, and claims 22-30 are newly added.
Thus, claims 1-30 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 2, 4, 11, 12, 15, 16 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Barreras (U.S. Patent No. 5,807,397). Applicant respectfully traverses the rejection.

In rejecting the claims, the Office Action relies on Barreras for “a battery powered controller unit 20 that has a battery 70 and an inductive coil 82.” However, Barreras relates to an inductor coil 82 that provides RF coupled power to receiver coil 30 in an implanted stimulator 10 (paragraph 11, lines 15-24). Applicant can find no mention or teaching in Barreras that inductor coil 82 is configured to communicate with an inductive coil of the implanted device using inductive telemetry, as recited in claim 1. Claims 2, 4 and 11 depend, either directly or indirectly, on claim 1 and are believed to in condition for allowance at least for the reasons provided with respect to claim 1.

Regarding claim 12, Applicant is unable to find in the cited portion of Barreras, among other things, a circuit for a wireless handheld device including an inductive coil in parallel with the first battery voltage source and controllable by the controller to communicate with a second device using inductive telemetry, as recited in claim 12.

Regarding claims 15 and 16, Applicant is unable to find in the cited portion of Barreras, among other things, a method of powering a handheld device including activating the inductive coil to facilitate inductive telemetry communication between the handheld device and the second device, as recited in claim 15. Claim 16 depends on claim 15 and is believed to in condition for allowance at least for the reasons provided with respect to claim 15.

Regarding claim 18, Applicant is unable to find in the cited portion of Barreras, among other things, a method of powering a handheld device including communicating with an implanted device using inductive telemetry, as recited in claim 18.

Reconsideration and allowance of claims 1, 2, 4, 11, 12, 15, 16 and 18 are respectfully requested.

§103 Rejection of the Claims

Claims 2-10, 13, 14, 17 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barreras in view of Fayram (U.S. Patent No. 6,552,511). Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully asserts that there is no motivation or suggestion to combine the references. Applicant is unable to find a suggestion in either Barreras or Fayram to combine the implantable stimulator with a capacitor replenishable from an external device of Barreras with the hybrid battery network for an implantable device of Fayram. Further, Barreras teaches away from Fayram. Specifically, one of skill in the art would not be motivated to use a second battery to replenish a stimulating circuit (as in Fayram) where the stimulating circuit is replenished from a remote external device (as in Barreras). In addition, Fayram is not within the art of wireless handheld devices, as it deals specifically with battery networks for implantable cardioverters/defibrillators.

Applicant respectfully asserts that the combination of Barreras and Fayram fail to show subject matter recited in independent claims 1, 12, 15 and 18, and thus also fail to show the subject matter recited in claims 2-10, 13, 14, 17 and 19-21. Neither Barreras nor Fayram disclose a system to communicate with an implanted device using inductive telemetry. Also, Barreras fails to show multiple batteries or a switched battery in a handheld device.

Applicant respectfully traverses the rejection with respect to claim 7, as no evidence exists that one of ordinary skill would find a silver oxide battery to be an obvious substitute for a silver-zinc chemistry. Applicant also respectfully traverses the rejection with respect to claim 10, as impedance matching is not a mentioned benefit of Barreras or Fayram.

Claims 2-10 depend, either directly or indirectly, on independent claim 1, and are believed to be in condition for allowance at least for the reasons provided with respect to claim 1. Claims 13 and 14 depend, either directly or indirectly, on independent claim 12, and are believed to be in condition for allowance at least for the reasons provided with respect to claim 12. Claim 17 depends on independent claim 15, and is believed to be in condition for allowance at

least for the reasons provided with respect to claim 15. Claims 19-21 depend, either directly or indirectly, on independent claim 18, and are believed to be in condition for allowance at least for the reasons provided with respect to claim 18.

Additional reasons for allowance are found in the dependent claims. For example with respect to claim 10, Applicant is unable to find a voltage amplifying device that amplifies a voltage from the first battery voltage source that is provided to the inductive coil, as recited in the claim. With respect to claim 13, Applicant is unable to find a second battery voltage source, wherein the first battery voltage source and the second voltage battery source power the inductive coil when the switch is closed, as recited in the claim. With respect to claim 21, Applicant is unable to find a switch connected between the first and second batteries, and the controller controls opening and closing of the switch to determine a battery voltage provided to the inductive coil, as recited in the claim.

Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 2-10, 13, 14, 17 and 19-21.

New Claims

Applicant has added claims 22-30, and respectfully submits that no new matter was added by these claims. Support for these claims can be found at least at page 1, line 22 through page 2, line 10 and page 5, lines 13-18 of the specification. Applicant requests consideration and allowance of claims 22-30.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (715) 824-5144 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

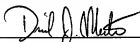
Respectfully submitted,

WILLIAM R. MASS ET AL.

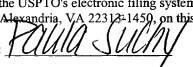
By their Representatives,

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Date June 9, 2006

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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EES-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of June 2006.

Name: 

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